

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

2015 DEC 22 P 1:09

Lavadre Butler,

Plaintiff,

vs.

David Rezendes, Lieutenant; Gary Seebles,
Captain; J. C. Williams, Sergeant, Gregory
Washington, Major,

Defendants.

No. 4:14-cv-4580-RMG

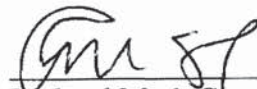
This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 53), recommending that the this matter be dismissed with prejudice for failure to prosecute pursuant to Rule 41(B) of the Federal Rules of Civil Procedure. The parties were advised of their right to file objections to the R & R and a failure to file timely objections would result in limited review by the District Court and waiver of the right to appeal the judgment of the District Court. (Dkt. No. 53-1). No party timely filed objections to the R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R or specified proposed findings or recommendations to which objection is

made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)); *accord* Fed. R. Civ. P. 72(b). However, as to portions of the R & R to which no objection is made, this Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Additionally, the Court need not give any explanation for adopting the R & R in the absence of specific objections by the parties. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983) (“Absent objection, we do not believe that any explanation need be given for adopting the report.”).

The Magistrate Judge set forth in detail multiple notices to Plaintiff regarding Defendants’ pending motion for summary judgment and the potential consequences of the failure to file a timely response. After the Magistrate Judge issued the R & R, Plaintiff was again given notice of his right to file objections and the consequences if he failed to timely file objections. The Magistrate Judge ably and thoroughly addressed the factual and legal issues in this matter and correctly concluded that dismissal of this action pursuant to Rule 41(B) is appropriate under these circumstances. Therefore, the Court **ADOPTS** the R & R of the Magistrate Judge (Dkt. No. 53) as the order of the Court and dismisses this action with prejudice.

AND IT IS SO ORDERED.


 Richard Mark Gergel
 United States District Judge

December 22, 2015
 Charleston, South Carolina